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FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. 10/646,427 08/21/2003 Donald Ole Johnson 9653

7590

07/07/2004

DONALD O. JOHNSON 207 24th AVE. WEST MENOMONIE, WI 54751 **EXAMINER**

PAPER NUMBER

THOMPSON, HUGH B

3634

DATE MAILED: 07/07/2004

ART UNIT

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No.	Applicant(s)	10
10/646,427	JOHNSON, DONALD OLE	V
Examiner	Art Unit	
Hugh B. Thompson II	3634	
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	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
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awn from consideration.		
ccepted or b) objected to by the late drawing(s) be held in abeyance. See ection is required if the drawing(s) is objection	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
nts have been received. nts have been received in Applicati ionity documents have been receive	on No ed in this National Stage	
	Examiner Hugh B. Thompson II Depears on the cover sheet with the country IS SET TO EXPIRE 3 MONTH(1.136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days of will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE ling date of this communication, even if timely filed and the country of the second of the communication and the country of the second of the second of the country of the second of the s	10/646,427 JOHNSON, DONALD OLE

Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date _____. 5) Notice of Informal Patent Application (PTO-152) 6) Other: _____.

Application/Control Number: 10/646,427

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 2, the applicant has positively recited the combination of the assembly and the wall of the structure. Is the wall required?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu #5,372,217. Hsu discloses an escape device 10 comprised of frame members 100, 102, 101, collapsible ladder 12, hinged door 11 having a step 110 thereon.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee #5,785,147, Shupp, Jr. #6,129,178, and Cranswick et al #5,893,431 are cited to teach escape assemblies.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hugh B. Thompson II

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Art Unit 3634

June 28, 2004

HUGH B. THOMPSON II PRIMARY EXAMINER TECHNOLOGY CENTER 3600

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